

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

DANIEL R. MOLA,)	
Complainant))	
v.) 17-FC-106	
LAKE COUNTY SHERIFF'S DEPT.)	
Respondent)	

ADVISORY OPINION June 13, 2017

This advisory opinion is in response to the formal complaint alleging the Lake County Sheriff's Department ("Sheriff") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Sheriff has responded via Commander Dennis M. Eaton. The response is enclosed for review. Pursuant to Indiana Code section 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on May 8, 2017.

BACKGROUND

The formal complaint dated April 27, 2017, alleges the Sheriff violated the APRA by denying access to records requested.

On or about February 28, 2017, the Complainant requested any and all information regarding a 911 call made from a specified residential address. As of the date of the filing of his complaint, the Complainant had not received a response.

The Sheriff responded by claiming the request was never received by the Department. The Sheriff provided a police report with the caveat that the address was actually Porter County jurisdiction and the dispatch was made in error. Any recordings from the dispatch center were not retained.



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ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See Indiana Code § 5-14-3-1*. The Lake County Sheriff is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the Sheriff's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

It appears as if the documents requested were a potential casualty of the prison mail system which is a known factor to this Office. The Sheriff's Department has provided an incident report relative to the incident. As for any recordings not retained, the Indiana Archives and Records Administration had not published the retention schedule for public safety agencies, which is now in effect (ratified March 15, 2017) and can be found at this link: http://www.in.gov/iara/files/county_publicsafety.pdf.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Lake County Sheriff has not violated the Access to Public Records Act.

Regards,

Luke H. Britt

Public Access Counselor

Cc: Dennis M. Eaton